UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

June 22, 2001

Colonel Ralph H. Graves
Corps of Engineers
Seattle District
Post Office Box 37551
Seattle, Washington 98124-3755

Re: Section 7 Informal Consultation on the City of Tacoma's Tahoma Salt Marsh Natural; Resources Restoration Project (NMFS No. WSB-01-201) and Essential Fish Habitat Consultation.

Dear Colonel Graves:

This correspondence is in response for consultation under the Endangered Species Act (ESA) so that a concurrence letter may be filled with the Joint Aquatic Resource Permit Application (JARPA). Additionally, this letter serves to meet the requirements for consultation under the Magnuson Stevens Fishery Conservation and Management Act (MSA).

Endangered Species Act

The National Marine Fisheries Service (NMFS) has reviewed the March, 2001, Biological Assessment and the April, 2001, Engineering Design Report request for concurrence with your findings of "may affect, not likely to adversely affect" for the above referenced project, prepared by the City of Tacoma in partial fulfillment of their Natural Resources Damage Assessment (NRDA) settlement. Your findings were in regard to the listing of Puget Sound chinook salmon (*Oncorhynchus tshawytscha*) as Threatened under the ESA. This consultation will be included in the Section 404 permit portion of the JARPA with the United States Army Corps of Engineers (ACOE) and is conducted under section 7(a)(2) of the ESA, and its implementing regulations, 50 CFR Part 402.

The NMFS Habitat Conservation Branch staff has provided on-going oversight to the design of this living marine resources restoration project as a NRDA Trustee of record. The NMFS concurs with the findings of "may affect, not likely to adversely affect," to either the species or the designated critical habitat, because of the reasons provided in the Biological Assessment: 1) the work will be done during a time of the year when chinook salmon are not present; 2) most of the upland construction will take place "in the dry" with final connection to the aquatic environment during permissible periods; 3) the excavation of 2,400 square feet of fill, debris, and contaminated upland soils (+13 to +20 feet, MLLW) to provide for critical and essential habitat functions of newly-formed intertidal and shallow subtidal substrates (+11 to -3 feet, MLLW); 4) the conversion of existing hardened shoreline substrates (riprap, broken concrete, metal debris) to natural rock and fish-friendly fish mix (3-inch minus) substrates; and 5) the project will meet all

conditions of the Washington Department of Fish and Wildlife Hydraulic Project Approval.

This concludes informal consultation on these actions in accordance with 50 CFR 402.14(b)(1). The ACOE must reinitiate this ESA consultation if: 1) new information reveals effects of the action that may affect listed species in a way not previously considered; 2) the action is modified in a manner that causes an effect to the listed species that was not previously considered; or 3) a new species is listed, or critical habitat designated, that may be affected by the identified action.

Essential Fish Habitat

Federal agencies are obligated, under Section 305 of the MSA and its implementing regulations (50 CFR 600), to consult with NMFS regarding actions that are authorized, funded, or undertaken by that agency, that may adversely affect Essential Fish Habitat (EFH). The MSA (§3) defines EFH as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." Furthermore, NMFS is required to provide the Federal agency with conservation recommendations which minimize the adverse effects of the project and conserve EFH. This consultation is based, in part, on information provided by the Federal agency and descriptions of EFH for Pacific coast groundfish, coastal pelagic species, and Pacific salmon contained in the Fishery Management Plans produced by the Pacific Fisheries Management Council.

The proposed action and action area are described in the Biological Assessment. The action area is in the marine waters of Commencement Bay and includes habitats which have been designated as EFH for various life stages of 47 species of groundfish, four coastal pelagic species, and three species of Pacific salmon (Table 1). Information submitted by in the Biological Assessment is sufficient for NMFS to conclude that the effects of the proposed action are transient, local, and of low intensity and are not likely to adversely affect EFH in the long-term. NMFS also believes that the conservation measures proposed as an integral part of the action would avert, minimize, or otherwise offset potential adverse impacts to designated EFH and would both increase the quantity and enhance the quality of EFH.

EFH Conservation Recommendations: The conservation measures that are included as part of the proposed action are adequate to minimize the adverse impacts from this project to designated EFH for the species in Table 1. It is NMFS' understanding that the project proponent intends to implement the proposed activity with these built-in conservation measures that minimize potential adverse effect to the maximum extent practicable. Consequently, NMFS has no additional conservation recommendations to make at this time.

Please note that the MSA (§305(b)(4)(B)) requires the Federal agency to provide a written response to NMFS' EFH conservation recommendations within 30 days of its receipt of this letter. However, since NMFS did not provide conservation recommendations for this action, a written response to this consultation is not necessary.

This concludes EFH consultation in accordance with the MSA and 50CFR600. The ACOE must reinitiate EFH consultation with NMFS if the proposed action is substantially revised in a manner that may adversely affect EFH, or if new information becomes available that affects the basis for NMFS' EFH conservation recommendations (50 CFR 600.920(k)).

This concludes ESA and EFH consultations. If you have questions regarding either of these consultations, please contact Robert Clark at 206-526-4338.

Sincerely,

Donna Darm
Acting Regional Administrator

Table 1. Species of fishes with designated EFH occurring in the action area..

Groundfish Species	redstripe rockfish *S. proriger*	Dover sole *Microstomus pacificus*
spiny dogfish *Squalus acanthias*	rosethorn rockfish *S. helvomaculatus*	English sole *Parophrys vetulus*
big skate *Raja binoculata*	rosy rockfish *S. rosaceus*	flathead sole *Hippoglossoides elassodon*
California skate *Raja inornata*	rougheye rockfish *S. aleutianus*	petrale sole *Eopsetta jordani*
longnose skate *Raja rhina*	sharpchin rockfish *S. zacentrus*	rex sole *Glyptocephalus zachirus*
ratfish *Hydrolagus colliei*	splitnose rockfish *S. diploproa*	rock sole *Lepidopsetta bilineata*
Pacific cod *Gadus macrocephalus*	striptail rockfish *S. saxicola*	sand sole *Psettichthys melanostictus*
Pacific whiting (hake) *Merluccius productus*	tiger rockfish *S. nigrocinctus*	starry flounder *Platichthys stellatus*
black rockfish *Sebastes melanops*	vermilion rockfish *S. miniatus*	arrowtooth flounder *Atheresthes stomias*
bocaccio *S. paucispinis*	yelloweye rockfish *S. ruberrimus*	
brown rockfish *S. auriculatus*	yellowtail rockfish *S. flavidus*	**Coastal Pelagic Species**
canary rockfish *S. pinniger*	shortspine thornyhead *Sebastolobus alascanus*	anchovy *Engraulis mordax*
China rockfish *S. nebulosus*	cabezon *Scorpaenichthys marmoratus*	Pacific sardine *Sardinops sagax*
copper rockfish *S. caurinus*	lingcod *Ophiodon elongatus*	Pacific mackerel *Scomber japonicus*
darkblotch rockfish *S. crameri*	kelp greenling *Hexagrammos decagrammus*	market squid Loligo opalescens
greenstriped rockfish *S. elongatus*	sablefish *Anoplopoma fimbria*	**Pacific Salmon Species**
Pacific ocean perch *S. alutus*	Pacific sanddab *Citharichthys sordidus*	chinook salmon *Oncorhychus tshawytscha*
quillback rockfish *S. maliger*	butter sole *Isopsetta isolepis*	coho salmon *O. kisutch*
redbanded rockfish *S. babcocki*	curlfin sole *Pleuronichthys decurrens*	Puget Sound pink salmon *O. gorbuscha*